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ABSTRACT

This pamphlet presents a model for the establishment of a Youth Service Bureau (YSB) in response to recommendations set forth in the President's Commission on Law Enforcement and Administration of Justice (1967). Objectives of a YSB are the prevention of juvenile delinquency and the diversion of youths from the juvenile justice system. To meet these objectives, a YSB must tailor its organization and program to meet local conditions in the light of the state of the development of youth services in the community. The pamphlet offers suggestions for organizing a YSB, the auspices under which it may operate, the services it should provide, the functions of advisory groups, staffing, funding, relationships to other community agencies, potential legal problems and program evaluation methods. Excerpts from several conferences and documents pertaining to youth are included in the appendixes. (Author/CJ)

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YOUTH SERVICE BUREAUS AND DELINQUENCY PREVENTION

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U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Social and Rehabilitation Service
Youth Development and Delinquency Prevention Administration
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FOREWORD

In order to prepare this publication on "Youth Service Bureaus," the Youth Development and Delinquency Prevention Administration (YDDPA) held a number of "in house" meetings to develop analyses of possible problems which might be encountered in the establishment and operation of Youth Service Bureaus and possible alternative solutions to those problems.

As a result of those meetings, an outline was developed (see Appendix C) which was used at a conference held at Breckenridge, Colorado, during the latter part of September 1971. That conference discussed the many problems raised in the outline. In attendance at the conference were representatives from the various disciplines and agencies which would be involved in or affected by the establishment and operation of Youth Service Bureaus, including persons actively involved in the operation of Youth Service Bureaus.

Based upon the Breckenridge Conference, a review of the literature on the subject, and field observation, "Youth Service Bureaus and Delinquency Prevention" was prepared.

Primary responsibility for the preparation of the initial draft was carried by Herbert Wilton Beaser, J.D. Mr. Beaser, a member of the Bar of Massachusetts and the District of Columbia, and now a private consultant, is the former Chief Counsel of the Children's Bureau and of the U.S. Senate Subcommittee on Juvenile Delinquency.

Mr. Beaser worked in close collaboration with Mr. William H. Sheridan, Assistant to the Commissioner for Legislation, Youth Development and Delinquency Prevention Administration.

The Youth Service Bureau concept, as a way to reduce delinquent conduct and to divert youths from the juvenile justice system, is still in the early stages of its development. More evaluation of, and experience in the operation of Youth Service Bureaus is necessary to determine their efficacy.

It should be especially noted that the suggestions and recommendations contained in this publication are those of YDDPA and are not necessarily to be attributed to the participants in the Breckenridge Conference or to those who have offered so many helpful suggestions.

ROBERT J. GEMIGNANI
Commissioner
Youth Development and Delinquency
Prevention Administration

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INTRODUCTION

Origin of the Youth Service Bureau Concept

The current focus of nationwide attention upon the need and desirability of establishing Youth Service Bureaus stems, in great measure, from the recommendations of the President's Commission on Law Enforcement and Administration of Justice.[1]

The President's Commission recommended that communities "should establish neighborhood youth serving agencies—Youth Services Bureaus—located if possible in comprehensive neighborhood community centers and receiving juveniles (delinquent and nondelinquent) referred by the police, the juvenile court, parents, schools, and other sources. These agencies would act as central coordinators of all community services for young people and would also provide services lacking in the community or neighborhood, especially ones designed for less seriously delinquent juveniles." [2]

But even prior to the Report of the President's Commission, those engaged in the prevention and treatment of juvenile delinquency were experimenting with various types of community organizational devices, under various names, intended to achieve the same objectives. The Report gave its approval to these efforts and sounded a note of urgency for the wider adoption of such an approach.

Unfortunately, the Report of the President's Commission did not detail a blueprint for the establishment and operation of a Youth Service Bureau.[3] Moreover, the Report and the Commission's subsequently issued "Task Force Report: Juvenile Delinquency and Youth Crime" [4] are not entirely clear as to exactly what the Commission intended to be included in the term Youth Service Bureau.

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[1] President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington D.C.: U.S. Government Printing Office, 1967), hereinafter referred to as the "President's Commission." (See Appendix A).

[2] Id., p. 83.

[3] Hereafter referred to as "YSB."

[4] Report of the Task Force on Juvenile Delinquency of the President's Commission on Law Enforcement and Administration of Justice, entitled "Task Force Report: Juvenile Delinquency and Youth Crime" (Washington, D.C.: U.S. Government Printing Office, 1967). (See Appendix B).

Impact of President's Commission Recommendations

Despite this lack of specificity, the recommendations of the President's Commission have inspired the establishment of so-called Youth Service Bureaus—either under that title or under similar designations.[5] These have often been funded in whole or in part by the Federal Government.[6] While many of these newly-formed entities or revamped existing agencies seek, in one way or another, to provide services for youths, many of them do not appear to be providing services aimed at achieving the objectives of the President's Commission. Few embody any innovative concepts or approaches, all too often using traditional methods to meet new problems, with only semantic changes.

And yet, significant amounts of Federal, State, and local funds are being spent on such organizations and much community effort is expended in their support without any clear-cut concept of the who, what, where, when and how of achieving the objectives sought by the President's Commission.

The structure and process involved in preventing, controlling, and treating juvenile delinquency will differ from community to community throughout the country, as their characteristics differ. Therefore, a proposed approach for attacking these problems in one community may not necessarily be effective in another community.

Merely calling any type of organizational structure a Youth Service Bureau does not automatically assure the fulfillment of the objectives of the President's Commission. Although no one model of a YSB will meet the needs of all communities throughout the country, if the recommendations of the President's Commission are to be given substantive and meaningful implementation, there should be widespread agreement as to what is meant by those words and the concept—what they are and are not intended to encompass.

If the effectiveness of the YSB approach is to be tested, experimentation with various YSB models must, of necessity, take place throughout the country. In addition, cognizance must be taken of the accumulated knowledge and experience with respect to effectiveness of all methods of prevention and control of juvenile delinquency, in order to eliminate dissipation of scarce personnel and financial resources.

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[5] See *National Study of Youth Service Bureaus*, by William Underwood, Associate Project Director, National Study of Youth Service Bureaus, Department of the Youth Authority, Oakland, California (in process but available soon). For an overview of existing "Youth Service Bureaus," the reader is referred to the above study which was carried on simultaneously with, but independent of, the development of this material.

[6] Through the Omnibus Crime Control and Safe Streets Act, P.L. 90-351, 1968, as amended, or through the Juvenile Delinquency Prevention and Control Act, P.L. 90-445, 1968, as amended.

BASIC ELEMENTS OF A YOUTH SERVICE BUREAU

Objectives

The objectives of a YSB as envisaged by the President's Commission are the prevention of juvenile delinquency and the diversion of youths from the juvenile justice system. In order to attain these objectives, a YSB must tailor its organization and program to meet local conditions in the light of the state of the development of youth services in the community.

Target Group

To attain the objectives, the "primary target client group" of a YSB should be clearly defined as *those youth who are in danger of becoming delinquent.*[7] Obviously, youths referred by the courts, the police, the schools, or parents to the YSB for service, as an alternative to instituting official action within the juvenile justice system, would fall within this definition of the "primary target client group."

A secondary target group would be youth who seek help on their own volition. This latter group, composed of "walk-ins" or "self-referrals," is often substantial in number. It is composed of youth who may not fall within the primary target group but because of handicapping conditions, personal or environmental, find themselves unable to secure help through the traditional agencies or social institutions.

The establishment of these two target groups should not be interpreted to mean that a youth adjudicated delinquent, for whom services or assistance is requested by probation, parole, or other correctional official, would be declared ineligible.

A YSB should not limit its activities to providing services *only* to youths in danger of becoming delinquent or who have been adjudicated delinquent. Any such limitation might stigmatize all of a YSB's activities as being directed solely toward serving "youths in trouble"—a policy which might very well inhibit some referrals as well as voluntary requests for service.

[7] "Youth in danger of becoming delinquent" refers to any youth whose conduct could bring him within the jurisdiction of the juvenile court.

It has been said that in order to avoid or lessen any stigmatization of recipients which might develop if the program is limited to the two primary groups, that there be some activities which should be open to *all* youth in the area. These might include recreational or leisure time programs, "rap" sessions, and the use of youth as volunteers in a variety of capacities.

Services

An organization which provides no services whatsoever to individuals can hardly be considered a service agency. Thus an administrative unit which has as its sole function that of coordinating the services available to the youths of a community, such as a coordinating council, or that of solely mobilizing public opinion in support of efforts to fill gaps in existing community services or bringing about changes in a community's social institutions, such as a community action agency, would not be a YSB as envisioned by the President's Commission. The above activities could, and frequently would, be carried on by a YSB but they would be in addition to the provision of youth services directly or through agreement or contract.

It is clear from the President's Commission report that an important function of a YSB is *the provision of direct services to youth*. These services might range from a minimal information and referral service to the provision of treatment or care, either directly or through purchase from or agreement with other community agencies.

However, the elements of a YSB need be agreed upon only within wide parameters. To achieve concord on definition and objectives, there is no need to specify in detail what must be included or excluded. Elements in detail could easily result in its being denied the freedom of action needed to meet varying local conditions.

However, even if there is general agreement as to the objectives of a YSB, the very words used in defining these objectives need clarification. In other words, what is meant by and included within the scope of the terms "prevention of juvenile delinquency" and "diversion of youths from the juvenile justice system?" Unless these terms are defined as precisely as possible in order to focus community efforts on realistically attainable goals, there is danger that such efforts will be expended on a wide variety of functions having only a remote bearing upon the attainment of these essential objectives.

It is not merely a question of what possible activities of a YSB might be conceived of, in some remote way, as having a slight bearing upon the "prevention of juvenile delinquency" or the "diversion of youths from the juvenile justice system." Under such a broad concept, it would well be argued that *any action whatsoever* designed to better the conditions of youth prevents them from becoming delinquent and diverts them from the juvenile justice system.

Thus it could be argued that almost any type of program aimed at improving the well-being of youth—immediately or remotely—would contribute to the attainment of the objectives of "preventing juvenile delinquency" or "diverting youths from the juvenile justice system." The proposition could even be advanced that improving remotely connected programs such as health care for infants or providing pre-school day care services would be appropriate to the attainment of these objectives.

If the primary objectives of a YSB are to be kept within the range of attainment, the activities undertaken must have a *direct, significant,* and *substantial* relationship to the "prevention of juvenile delinquency" or the "diversion of youths from the juvenile justice system." Remotely connected programs should therefore not be considered within the appropriate scope of a YSB.

Even conceding these limits, the task of determining which services are to be provided or which functions are to be performed by a YSB without exceeding such limits is not clear-cut. Nevertheless, they are determinations which must be consciously and carefully made in the planning and establishing of a YSB.

ORGANIZING A YOUTH SERVICE BUREAU

The Report of the President's Commission stressed the necessity of a YSB having firm roots in the community in these words: "The use of locally sponsored or operated organizations heightens the community's awareness of the need for recreational, employment, tutoring and other youth development services. Involvement of local residents brings greater appreciation of the complexity of delinquents' problems, thereby engendering the sense of public responsibility that financial support of programs requires." [8]

There are numerous ways of organizing a YSB and each has its proponents. The characteristics of the community or area to be served will, to a certain degree, affect the choice of method. The genesis or motivating force may come from within the immediate community to be served, or from outside the community to be served.

Internal Initiation

Those who advocate internal initiation believe that in order for a YSB to succeed, the motivating force behind its genesis should originate and come entirely from within the community to be served. The following is a hypothetical example of internal sponsorship in a community, the boundaries of which may or may not correspond to an established political unit of government.

A group of residents of that community, some of whom may be officials of a public or private agency within the area, become concerned with the fact that anti-social activities are increasing rapidly in the area and that growing numbers of youth are coming to the attention of the police or school authorities and are being referred to the juvenile court.

Considerable informal discussions are held by members of the community and there gradually develops the consensus that "something must be done." At this point, with community sentiment for "action" continuing to grow, indigenous leaders come forward from the members of the community. Those leaders call a public meeting open to *all* members of the community, making every attempt to have present persons who are widely representative of the community with respect to age, cultural, ethnic, racial, religious,

[8] President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, D.C.: U.S. Government Printing Office, 1967), p. 83.

and socio-legal backgrounds. Special emphasis should be placed upon inviting youths.

At that first meeting, the leaders present what data they have been able to gather with respect to the existing situation. Subcommittees are appointed to gather facts and study the needs of the target youth group, what services exist or are needed, and to explore various alternatives available to fill gaps in services.

At subsequent public meetings the subcommittee reports are discussed. So are the various recommendations on alternative courses of action. Finally the group comes to the conclusion that what is urgently needed is a community supported organization to be known as a Youth Service Bureau. A committee is appointed to explore ways in which such a Bureau can be developed under public or private auspices or a combination of both.

This is a brief generalized description of how, through internal community efforts, a YSB might be initiated. This is the first step. Before a firmly established, efficiently functioning, and adequately financed YSB is attained, there will be many hard decisions to be made and many a difficult obstacle to be overcome. They will involve such matters as the YSB's auspices, the use of advisory committees, staffing, the avoidance of legal pitfalls, financing, and the YSB's relationships with other community youth service agencies.

It should, of course, be pointed out that this internal sponsorship method of initiating a YSB will more likely assure that it would be by, for, and of the community, thereby fulfilling the recommendations of the commission that such a YSB have the *highest possible community involvement*. A YSB, so initiated, will more likely be continuously subject to community control and will go far in assuring that it will meet community needs.

However, the basic question will still remain as to whether the internal initiation method of starting a YSB can overcome the many roadblocks to its success and whether changes can be made to meet problems without endangering its success while still remaining within the control of the community.

External Initiation

At the opposite end of the spectrum of ideas as to methods of creating a YSB is what might be called the "external" method, whereby the genesis and motivating force for establishment of a YSB comes from outside the community to be served, which implies a "grafting" or "imposing" of such a structure upon the community.

In broad outline, the steps which might be taken to establish a YSB utilizing the "external" approach might typically proceed along the following lines:

The mayor of a city or a council of social agencies, concerned about the

rising rate of juvenile delinquency, comes to the conclusion "something must be done" and that current methods of attacking the problem are not working, thus requiring a "new approach".

The mayor or the council appoints a special committee to study the problem and present a plan of action. Members of the committee include not only representatives of the public and private agencies most immediately concerned with the prevention and treatment of juvenile delinquency—court, police, education, welfare, employment, health—but also concerned private citizens, including those, both adult and youth, who are representative of the group to be served.

The committee secures and studies the facts and data as to juvenile delinquency in the city and what is being done about it, and finally decides a YSB is needed and pinpoints a particular section of the city as an appropriate service area for its development. The first question is whether the enlargement of the functions of any of the existing agencies might provide a possible solution or whether the establishment of a YSB as a new agency would be preferable. The latter alternative is agreed upon and a plan is presented to the mayor or council for approval.

Although the mayor could have designated an existing municipal agency or the council, the recommendations of the committee are accepted. The result is that sponsorship for establishing a YSB and supervising its operations is external, by a public official or private agency acting outside of the community served with less involvement of its citizens.

In either case, a director of the YSB is appointed as is an Advisory Committee composed of both public officials, private agency representatives and citizens, including residents, adult and youth, from the community to be served by the Bureau.

The Director proceeds to establish a YSB in an available building located in the community, hires staff and, after discussions with the Advisory Committee, establishes appropriate policies for the operation of the Bureau.

Public announcements are widely disseminated informing the residents that a YSB has been established, what its purposes are, and inviting the youths of the community to avail themselves of its services.

In this example, the YSB is primarily subject to outside direction and control. An analagous situation might be the initiation and the establishment of a YSB by the Governor's office or a State agency.

The two examples given of both of these methods have been utilized. They are cited to illustrate both ends of the spectrum of possible methodologies for establishing a YSB.

Variations of both of these methods exist. Unfortunately, the present lack of accumulated, evaluated experience does not permit a recommended preference or the proper "mix" of private and governmental participation in the initial establishment of a YSB.

Those who favor the greatest possible utilization of the internal initiation method assert that unless a YSB actually springs from, and is considered

part of a community, it cannot expect to attract the community support necessary for its acceptance and success. They also allege that youth of the community are more likely to make use of the services offered.

On the other hand, those who lean toward the external method of establishing a YSB point out that the external sponsorship under the existing community structure, public or private, greatly facilitates its acceptance and utilization by the existing community agencies, which would otherwise be extremely reluctant to cooperate with such a YSB until after a considerable period of operation.

AUSPICES

A YSB may be established and operated by a public or private agency, or a combination of both. There appear to be some advantages and disadvantages in each approach.

Public Agency

Under this option a YSB would be established by a State or local governmental agency and operated entirely as a public agency under the supervision, direction, and control of such State or local governmental agency.

The statement[9] by the President's Commission should not be interpreted as ruling out the establishment and operation of a YSB by a State agency. Such State involvement would *not necessarily* be incompatible with the Commission's report, provided effective measures are taken to assure the fullest possible community involvement designed to heighten community awareness of the services needed, to instill in the community a sense of appreciation of the complexities of delinquency problems, or to engender community responsibility for financial support of such YSB's program.

The following appear to argue *for* public administration:

(1) Continuity of financial support and a more adequate budget may be more likely under public auspices, particularly if authorized by the legislative body, since this authorizes and supports budget considerations.

(2) Greater flexibility in extending area coverage is possible under joint development by several local jurisdictions.

(3) Public auspices would also stimulate greater involvement of all public agencies which, in the case of some, is vital for effective operation.

(4) Will be subject to greater public control in fiscal matters and in service delivery where the laws and regulations relating to right to service, protection against discrimination, and other similar protections will be applicable.

(5) Due to the existence of statutory provisions, some legal problems may be minimized in the area of treatment authority and protection of records.

The following appear to argue *against* public administration:

(1) Less program flexibility, particularly experimentation with new, innovative practices or approaches.

(2) Public auspices may inhibit youth who are members of the target

[9] See note #8.

group from requesting or accepting services, considering the YSB just another member of the "establishment" to which they can't relate.

(3) Certain services may be prohibited or curtailed, which the general public considers a threat to the status quo.

(4) The selection of agencies is limited since YSB functions may be incompatible with the primary function of some public agencies. For example, it seems obvious that inconsistencies would arise if the function of administering a YSB was vested in a juvenile justice agency, such as a detention home, a probation or parole department, an agency administering juvenile correctional facilities, or a police department. Not only are these agencies authoritative in nature, but the duties and functions vested by law in these agencies would, in many instances, result in almost irreconcilable conflicts between those functions and duties and their assumed responsibilities to the youth clientele of the YSB.

Somewhat similar considerations, but to a lesser degree, are involved where consideration is given to vesting responsibility for the operation of a YSB in a school or welfare department. Both of these agencies may, in some instances, find themselves impelled to initiate authoritative actions in the juvenile court for truancy or neglect with respect to some of the very same youths whom they may be trying to provide services through the YSB. While these agencies themselves may be successful in "compartmentalizing" their actions so as to avoid conflict, in all too many instances such compartmentalization may prove much too subtle for the youths served, to the detriment of the effectiveness of the relationship of trust which the youths must place in the Bureau.

In other public agencies which might be vested with the authority to operate a YSB, such as vocational rehabilitation, health, or mental health agencies, this problem would not arise. However, the question might be raised as to whether these agencies, oriented as they are to particular types of problems or target groups, could reorient their thinking sufficiently to provide adequate services to meet the problems of the somewhat different target group served by a YSB.

(5) While some legal problems may be minimized through legislation, others relating to staffing and civil service rules and procedures may come into play.

Private Agency

A YSB established under the aegis of a private agency may have greater flexibility to experiment with new innovative programs and techniques. It also may be able to act quicker, unburdened by bureaucratic red tape. Also since it is non-government, the distrust of the "establishment" often inherent in the target group it serves will not present a problem.

The greatest weakness, however, of private operation of a YSB is the instability of a continuous and adequate funding program.

Quasi-Private Agency

Under this option, the YSB could be either a private non-profit corporation or an unincorporated association of individuals having as their governing boards, by virtue of specific provisions of the legal instruments governing their administration, public officials who serve ex officio or a private non-profit corporation or an unincorporated association of individuals licensed by a State or local public agency and required to meet certain standards and comply with certain requirements.

Each of these options under which a YSB might be established contains certain advantages, disadvantages, and possible legal, personnel, fiscal, administrative, and operating pitfalls which must be considered. Basically, it should be recognized that a YSB established under these alternatives, whether or not incorporated, is essentially a private and not a public entity. As such, it might encounter some of the disadvantages of a YSB established and operated by a public agency without the advantages which would accrue to it if it were in fact a public agency, or without some of the advantages which it might have if it were a "pure" private agency.

With a mixed public-private entity thus constituted, much of the effect upon its activities in establishing and operating a YSB will depend on the agencies represented by the *ex officio* members of the governing board and whether such members constitute a majority of such board. For example, if a majority of the board is composed of *ex officio* members representing juvenile justice agencies such as the court, police, probation, detention, and juvenile corrections, then it should be obvious that the entity operating the YSB constitutes those authoritative agencies acting under another guise. It would remain to be seen, of course, whether such an oblique type of organization would adversely affect the operations of the YSB and, if so, to what extent.

Where the mixed public-private entity establishing and operating a YSB is of the second type, entirely private but subject to public licensure and meeting publicly prescribed standards in its operations, the separate question would be presented as to whether the conditions of licensure and the permissible scope of the standards governing its operations were such as to constitute public prescription of the minutiae of day to day activities, making it in effect, if not legally, a public agency. The subsidiary question would then arise as to the effects of such close public control not only upon the ability of the YSB to achieve its objectives efficiently and effectively, but also the impression upon its youthful clientele that to all intents and purposes it was a publicly operated Bureau.

New Agency or Existing Agency Auspices

Where a YSB is to be established and operated either as a public or private agency, one of the initial questions which must be answered is whether it will be established by and as a part of an existing public or private agency or whether it will be established as a new independent agency.

In determining whether a YSB is to be created as an independent, new public or private agency, two basic questions must be considered. First, could the same results be achieved by enlarging the scope of the duties of some appropriate, existing agency, providing it with additional resources to accomplish its new functions. Second, what effect would the creation of a new public agency have on inter-relationships between all the agencies involved and especially the ability of the new agency to establish rapport with existing agencies and enlist from them the cooperation so necessary to the successful accomplishment of its already difficult task?

The answer to the first question is more difficult since there will be many possible agencies involved and many factors must be taken into consideration in determining which existing agency could most effectively, consistently with its on-going functions, carry out the additional duties thus imposed upon it. It is essential that whatever agency is designated have no duties and responsibilities inconsistent with the functions of the YSB The effectiveness of the agency's current operations and the leadership of its executive or governing body will also be a factor. Likewise, the answer to the second question will, to some measure, depend upon the leadership of the prospective executive, particularly his ability to organize the community and secure backing.

SERVICES PROVIDED BY A YOUTH SERVICE BUREAU

The services for youth, which conceivably could be provided by a YSB, either directly or by guaranteeing the provisions of such services, are almost infinite in variety. Among the possible services are: information and referral service; personal counseling and follow-up services; remedial education; vocational counseling; medical care; psychiatric services; maternity care; treatment for drug addiction; shelter care; long term foster care; family counseling; job referral; housing assistance; legal services; family planning services; hot lines; recreational and leisure time activities.

The number and nature of the services will vary from community to community, depending upon the extent of the existing community resources and their accessibility to the target youth group.

An Information and Referral service (I&R) is basic to the effective operation of a YSB in every community, regardless of the nature and extent of its program. This service should be designed to carry out what might be termed as *the intake function* of the YSB—determining which youth are eligible for service under its immediate sponsorship—as well as working out referrals to the other community agencies for those youth not specifically eligible for services under YSB sponsorship. A referral of a youth to an "outside" agency for service or care, not under YSB sponsorship, should ordinarily end the YSB's responsibility for continuing service. However, a follow-up inquiry system should be maintained in order to determine whether or not service or care is being consistently provided by the agency receiving the referral. If not, the service involved is one which may have to be sponsored by the YSB either by direct provision or by contract or formal agreement with another agency, particularly so if it has committed itself to also serve the YSB target group or an agreement basis.

Cases which have been accepted for service or care under the sponsorship of the YSB should be carried as active cases—regardless of whether the service is provided directly, by formal agreement or by purchase. In such cases, the YSB takes on the duty of guaranteeing service, which will entail a close monitoring of the service when provided by another agency on an agreement or contract basis.

One of the difficult tasks facing those seeking to establish a YSB is that of deciding clearly and precisely the services for "accepted cases" which are to be provided directly, by formal referral to another agency, or by purchase.

In many communities, good pre-planning based upon sufficient data, in-

cluding the projected number of youth in the target group and the adequacy and willingness of the existing services to take on added responsibilities, will permit making at least tentative decisions. In other communities these decisions may gradually evolve during the initial period of operation.

Certainly a basic rule should be that a YSB is designed primarily to supplement community services for its target group rather than to supplant them. Under this principle the YSB, with the exception of Information and Referral services, should resort to the direct provision of services only when it has been determined that the needs of its target group cannot be met by formal agreement or contract to purchase with an existing community service. Even if the YSB directly provides a service, it should do so only for a period necessary for it to be made a part of an already existing service.

In other words, an effectively operating YSB should eventually "work itself out of business." It should avoid any attempt to provide those basic community services which are necessary to the healthy development of all youth, including general health services, education, housing, employment. Its function is essentially remedial in nature, designed to help its target group have ready access to such services.

By its very nature the YSB program assumes an advocacy role for its target group. The first aspect of advocacy relates to the actions which a YSB might take to arouse community support for enlarging the program of a community agency or securing additional support for the program of another agency. Basically the task here involves seeking to convince the other agency of the need for the enlargement of its program in order to serve the YSB target group, and appealing to the community for support for such position while documenting the need. Another advocacy characteristic in the YSB's function is the filling of program gaps by providing services directly or through agreement or contract and assuring responsibility and accountability for services through a follow-up system.

As a general advocate for youth, the YSB should work with *all* community agencies and groups in efforts to improve *all* services.

ADVISORY COMMITTEES OR BOARDS

It is highly desirable that a YSB have as an integral part of its organizational structure a broadly representative advisory committee, the duties of which are clearly delineated.

As has been indicated, if a YSB is to be effective, it is essential that it be, as much as possible, a part of the community it is established to serve. The process of ascertaining the needs of youth and developing plans and programs to meet these needs must entail community involvement—particularly youth involvement.

An "Advisory Committee" is one of the devices which can be utilized to ensure community involvement, including youth, to insure that the policies and practices of the YSB will conform to community desires. In forming an Advisory Committee, certain basic decisions must be made as to how it will be formed, who shall compose the membership, what its functions will be, and what limits should be placed on its powers and duties.

Establishing the Committee

The normal method of selecting an Advisory Committee would be for its members to be selected by the administrative authority (board or official) by election. In the interests of continuity, it is generally customary for the members to be selected for overlapping terms of office. The length of the term, of course, would be subject to the needs of each community. In some cases a term of three years may be considered too long, as tending to result in an Advisory Committee becoming unresponsive to changing needs. On the other hand, a term of membership of one year might be too short, resulting in a "revolving door" type so that full advantage could not be taken of the experience and expertise gained by service.

The number will depend on the total size of the operation of the YSB, the size of the community to be served, the number of individuals necessary to represent the skills, knowledge, and interests necessary to the deliberations of the Committee. The Committee should not be so small that it would not be truly representative of the various views in the community or so small as to result in its becoming ineffective because of unavoidable absences from regular meetings. On the other hand, it should not be so large as to be unwieldy.

The election method of forming an Advisory Committee has much to

commend it. It has the advantage of giving the members of the community, including youth, the greatest possible feeling of participating in the actual workings of the Bureau. However, this method requires a voter turnout sufficiently large so as to be representative of the will of the majority of the residents. If there has been broad community participation in the elective process, members may more likely insure that the policies followed are dynamic, innovative, and responsive to the needs of the youths of the community.

Composition of Membership

Membership of the Advisory Committee should be widely representative of all significant segments of the community. The necessary "mix" of such segments will depend upon community characteristics; however, care must be taken that it will not be "controlled" by one single group. In addition to citizens, youth, and individual professionals, the appropriate "mix" of the public and private agencies serving the Bureau or affected by its operations should also be included.

Functions of the Committee

As its name indicates, the functions to be performed by an Advisory Committee should be *advisory*, and it should not be permitted to perform administrative duties relating to the functioning of the YSB.

That is not to say that the participation of the members of the Advisory Committee in the work of the Bureau should be carried on without their active involvement in Bureau activities. But such involvement should not be of an administrative or supervisory nature. The suggestion has been made that as a condition to holding membership on the Committee each member should be required to devote a certain number of hours each week to working at the YSB in a non-supervisory capacity so that the member will keep in touch with current activities and obtain a "feel" for the attitudes and reactions of the youths served by the Bureau.

The efficient and effective use of an Advisory Committee requires a great degree of skill, finesse, and time. If it is sought to use the Committee as a "rubber stamp" for the approval of decisions already made, the fact will become readily known to the committee and in the community, and it will be impossible to secure support for the policies cited as approved by the Committee. Resignations of Committee members may also result. On the other hand, when the Committee is asked to formulate policies to govern the operations of a YSB, other problems arise.

The Committee should be giving the Bureau the benefit of the advice of its members on broad, general directions to be taken by the Bureau. It should leave the details as to how approved policies are to be implemented by those responsible for the day-to-day administration of the Bureau.

STAFFING

The staffing pattern of a YSB depends upon the nature and extent of its services. Ordinarily much of the service and care under the sponsorship of the YSB will be provided by member agencies. Although the quality of service would undoubtedly be a factor in developing agreements or purchase contracts for service with other agencies, their staff would in no way be subject to the control of the YSB.

Staff of the YSB itself will therefore often be limited in number and be responsible for specific types of duties, such as Information and Referral and counseling. The Executive will have the responsibility for maintaining good relationships with the community youth service agencies, as well as with the general public.

In considering staff qualifications it should be kept in mind that it is the specific function of the staff member which governs selection and not the general concept of a YSB staff member. Standards for selection of staff for some duties may already be established and accepted; for other duties there may be no general agreement as to the type of training and experience which should be required of persons who will be discharging them, particularly those which are new or innovative.

Regardless of the nature of training and experience required, of even greater importance is staff empathy for the target group, flexibility, and a high tolerance level—an ability "to keep cool." There seems to be considerable agreement that as many of the staff members as possible should themselves be youths, preferably from the community to which services are being provided. All staff, regardless of chronological age, need to be "young at heart." The same applies to volunteers.

As in any service endeavor, there should be an opportunity for staff to increase their skills through training programs, both in-service, short term, as well as academic in nature.

Staff should also have an opportunity to participate in the development of policies governing the operation of the Bureau. Staff directly engaged in working with youths will be in a position best to reflect the needs and desires of the youths in the community and hence their participation in the policy making process can do much to advance the establishment of community and youth oriented policies. The degree of staff involvement in policy formulation should be clearly delineated. Generally, operations of a Bureau will follow an evolutionary course with many of its procedures being constantly tested to insure their practicability and soundness. However, as

these procedures are tested and found satisfactory they should be adopted and made part of policy so that all staff members are aware of them.

One method of expanding the resources and capacity of a YSB might be through entering into cooperative arrangements with other public or private agencies under which personnel of the other agency would be assigned to the Bureau on a regular basis and would be physically located on its premises. Such an arrangement could prove to be highly advantageous in aiding the Bureau expedite the delivery of services, particularly where the site of the service agency is a considerable distance from the area served by the Bureau.

This device would make it possible for a youth to be provided with needed services with a minimum of delay. It would also be a step in the direction of providing a "team" approach in the delivery of services.

In such situations, matters which are purely housekeeping in nature, such as those relating to the day-to-day operations of the Bureau, are properly within province of the Bureau. Some matters, such as hours and days of work where there are differences between the two agencies, may involve some mutual give and take between the two agencies. In all other matters the assigned worker is subject to the control of his own agency.

Difficulties have arisen where personnel have been assigned by juvenile justice agencies, such as the police or probation or parole agencies. The presence of these officials at the YSB facility can have a chilling effect upon youths seeking to avail themselves of the services of the Bureau and will ordinarily be sufficient to inhibit the development of trust and confidence in the Bureau program so essential to its effectiveness. Furthermore, referrals to the Bureau from juvenile justice agencies do not require the physical placement of staff members of such agencies in the Bureau facility. For these reasons assignment to the Bureau of such staff is not recommended. Similarly, for the same reasons, the physical assignment of Bureau staff members to juvenile justice agencies is likewise not recommended.

The very nature of a YSB and the manner in which it will operate if it is to be effective will give rise to other personnel problems not normally encountered by the typical youth serving agency.

One example is the matter of hours. It is generally agreed that, to be most effective, a YSB cannot hope to operate on a 5-day, 9–5 schedule. Where the Bureau is a public agency, it can be anticipated that there will arise problems under existing statutes or administrative rulings governing public employment, overtime compensation, etc. Even where the Bureau is a private entity, some wage and hour problems may be anticipated. In either case these problems should be explored and steps taken to resolve any possible hindrances to the most effective operation of the Bureau.

Another example is the type and extent of authority which will have to be vested in staff members operating, in good measure on their own, representing the Bureau in crisis situations and making quick decisions requiring

great skill, tact and ability, such as fulfilling a role as an advocate or as outreach workers. Such workers may often be called upon to act in situations of great delicacy, often involving the reputation of the Bureau in the community and its acceptance by the youth it serves and whose confidence it must maintain. These difficult tasks will not only increase the necessity for the most careful selection and training of the staff to be so employed, but will also require a much greater degree of sophistication and expertise on the part of supervisory staff than would normally be expected.

Still another staff problem likely to be encountered in a YSB type of operation relates to duration of employment and the continuation of the youthful orientation of the Bureau's operations. With respect to direct service staff, the first requisite for their employment should be their empathy for and ability to relate to the peer group for whom they will be providing services. As time passes, varying with the individual, many of these direct service workers will inevitably outgrow and no longer be able to relate to the relatively younger youths for whom the Bureau will be expected to provide services. This situation is to be expected and should be planned for in establishing a YSB; otherwise the pressures will be great to retain in employment many staff members who become progressively older than, or out of touch with the youths they will serve. This may prove to be equally true with respect to the director of the Bureau, who at some point in time, will in effect be called upon to "fire" himself. Hiring by control for a specific period may be a way to prevent such situations from arising.

Staff turnover should be anticipated and both the Bureau and its staff should be encouraged to face up to the inevitable and to treat employment at a YSB as a way stop on the road to other opportunities where the skills, knowledge, and experience acquired through their YSB service can be put to the best possible use. In-service training, special institutes and opportunities for formal education should be used by the Bureau to assist their staff members ultimately to make the inevitable transition. The lack of such planning will work to the detriment of the Bureau.

Such action is necessary in order to maintain the Bureau as a flexible and relevant vehicle for the provision of services to youth, and to which youth will continue to relate. There is nothing in the concept of a YSB which will automatically prevent it from becoming bureaucratic and fighting to continue in existence regardless of its effectiveness. It is not inevitable, however, that a Bureau lose touch with reality and continue in existence by force of habit. Two methods of avoiding this result could be through the periodic infusion of the Bureau's top administrative structure with new blood and with the new direct service staff coming to supplant those who have gone before, and through regular evaluations of the Bureau program by competent agencies or individuals in no way connected with the operations of the Bureau.

What is needed is the will to keep abreast of the times and relevant to the

needs of the community. Given that will, the means for achieving that goal can take many forms.

Still another staff problem is that of previous "records" of staff members who, because of their past involvement with the juvenile or criminal justice systems, can often be especially effective in counseling and diverting community youths from the juvenile justice system. However, where the Bureau is a public agency, existing laws or administrative rulings may prevent the employment of a person who has been arrested, has a delinquency or criminal record or who may still be on probation or parole. Fortunately, movement is discernable in some jurisdictions to change these absolute prohibitions on the employment of such persons.

Such absolute prohibitions would not be applicable where the YSB is a private agency. However, some public resistance to supporting a Bureau employing youths with "records" might arise. It should not be too difficult to overcome such objections with proper interpretations of the reasons underlying the Bureau's policies in this regards. Where a youth is an active probationer or parolee, some arrangements would have to be made with the appropriate authorities relating to the conditions of his employment.

FUNDING

Obtaining adequate funding for a YSB is difficult and time consuming.

Although funds are available from private sources as well as public funds at the Federal, State, and local levels, several factors make it difficult to actually tap these resources. First, the demands for funds for these and similar purposes greatly exceed the amount of funds available from these sources. Second, except in a very few instances, there is no legislative mandate or authorization at the State or local level for the establishment of YSBs, a fact which negates any specific budgetary support for YSBs. Third, the art of "grantsmanship", the process of obtaining grant funds from public or private sources, has become extremely technical and complicated. Many communities seeking to establish a YSB as a private entity are not likely to number among their members any person sufficiently knowledgeable in the art of grantsmanship to assist them in preparing the materials needed to justify the need for funds. This is especially likely to be the situation in minority and poverty communities.

Another element which contributes to the continuous process of fund raising is the fact that most grants for this purpose, particularly in the case of Federal funds, are of the project type, of limited duration usually lasting one year. Funding from multiple sources may add some stability and continuity to the funding process.

Before actually putting a YSB into operation, all of the funds should be available which are necessary to support the minimal services necessary in a given area. Once the YSB is in operation, any cutback in services will only serve to undermine the confidence of the community, to the extent that no more support may be forthcoming.

Given a hopeless financial outlook, a decision to postpone beginning a YSB would ultimately prove to serve the best interests of the members of the community. A postponement is far more preferable than starting a Bureau which is so starved for funds that it cannot even begin to satisfy the needs of its target group.

No estimate of initial cost can be given since much will depend on the size of the community, existing community resources, minimum operating expenses for space, heat, light, telephone, staff, and the purchase of services. All that can be said on this point is that budgetary calculations should be realistically made.

Funds for the operation of a YSB should not be accepted from any source or subject to any conditions which would restrict the Bureau in adopting

policies and procedures which are professionally sound, which will provide the youths served with the highest attainable quality of services needed, and which are deemed best for achieving the Bureau's objectives.

AGENCY RELATIONSHIPS

Various community agencies should be involved in operating a YSB. Those included should be the major referring agencies which are part of the juvenile justice system, such as the police, the court, and probation and parole authorities. These agencies offer the greatest immediate promise of most quickly reaching the greatest number of youths forming the primary target group, namely those youths who are in imminent danger of becoming part of the juvenile justice system. They also generally play a preeminent role not only in the juvenile justice system, but also in the community itself.

It is equally important that other public and private agencies be involved. These will be both receiving and referring agencies and include the schools, public welfare, employment, health and vocational rehabilitation services, as well as private social agencies providing such services as counseling and foster care, and leisure time activities.

All agencies possibly affected by the operation of a YSB should participate in the development of the YSB. Throughout the process it is important to stress the nature of the YSB program—namely that it is to supplement existing services rather than to supplant them. It is also important to stress that the development of the YSB is a total community effort and that when the services it provides can be provided by the existing agencies, the YSB as an entity shall cease to exist.

Intake Policies

After establishing the categories of youth which will be accepted for service, intake controls must be established in order to serve effectively, within the limits of the Bureau's resources, these youth.

Some believe that a YSB should merely be established, and its clientele will soon appear seeking service, thereby self-defining both need and target group. Some of the proponents of this method urge that such an approach would minimize the extent of pre-planning necessary prior to the operational phase. However, from a practical standpoint and facing the facts realistically, there is little likelihood of a YSB springing "full bloom" into operation in any community with sufficient staff, facilities and other resources to meet all the needs of the target group in that community. Therefore, such an approach, in many instances, would likely inundate the Bureau with referrals and requests for service far beyond its capacity. The negative reaction as a result of being turned down or put on a waiting list

might lead to community disillusionment and the erosion of community support, which might well prove fatal to the future success of such a Bureau.

The one element of intake control which appears to be of prime importance in avoiding such a situation is that of residence. It offers the most realistic means of tailoring available resources to the potential numbers of youths eligible for services.

However, the implementation of residence eligibility requires careful analysis of the characteristics of the community being considered as the base for the Bureau and the establishment of the geographical boundaries of the area to be served by the Bureau based upon such an analysis. The boundaries would then be established on the basis of the potentially available resources matched to the projected recipients within a limited geographic scope. As the resources of the Bureau grow, the geographical boundaries of the area served can be expanded accordingly.

Limitation on intake in terms of geography has the added advantage of being completely impersonal. Individuals who are denied services would be declared ineligible on the basis of an "impersonal" factor—residence—rather than on the basis of personal factors relating to the individual youth's condition.

But even this intake requirement of residence should be applied with some degree of flexibility. For example, a youth who seeks assistance and comes from the geographical area served by the YSB may appear with a companion or two who are not from that geographical area but who need services. The first youth may seek assistance on the condition that the youth's companions also be served, even though they do not live in that area. This situation may present problems of administration and community relations, but the policies of the YSB as to the geographical area to be served should *not* be so inflexible as to preclude service in this or otherwise similar situations.

Determining the area to be served requires planning, including the assessment of the needs to be met in the community, a defined target group of youths for whom services are to be provided, their projected number, their needs and the facilities, staff, services and funds available to meet those needs. Data to determine projected service needs should be available from the police, the courts, schools and other community agencies. Such data, maintained on a census tract basis, should facilitate the initial area selection as well as orderly expansion.

An additional intake limitation which logically might be adopted to determine eligibility of applicants for services could be age. The age limits could be established in relation to the objectives of the YSB in the light of the particular types of problems encountered in the community, the services and facilities already existing and equipped to meet the needs of other age groups.

It would seem that an upper age limit corresponding to the maximum juvenile court age, or even a year or two beyond, could easily be justified. The lower age limit will require more careful planning and assessment of community needs and resources. There seems to be no reason why age limits need be expressed in absolute terms. It would be desirable to build into policies a general age range which would permit the acceptance for service of those youths who are below the minimum age or who might exceed the maximum age.

To summarize—the primary intake control should be based upon residence. However, this control or any others which might be imposed should be as objective as possible and flexible, *favoring eligibility* in doubtful or unusual situations. When it is found that a youth falls within the category to be served and otherwise meets intake requirements, acceptance for service should be *mandatory*. The Bureau should not be permitted to arbitrarily choose which youth it shall serve.

Referral Procedures

The procedures established within a YSB should be designed to facilitate use of services by youth. This means that the referral process both to and from the YSB should be expeditious in nature. Effective operation of the YSB, however, will require some data collection and exchange among agencies on individual youth in order to assure continuity and accountability of service, for evaluative purposes, and for planning future expansion of services.

As a general policy, referrals to a YSB should be in writing. Usually a simple form providing identifying information on the youth as well as a brief statement of the reason for referral should be sufficient (with one copy given to the youth being referred and a copy mailed to the YSB by referring agency). In the case of an emergency or crisis situation, referral by phone may be necessary, with the provision that the written referral or confirmation will follow by mail.

In situations where the individual making the referral, such as a parent or a representative of the referring agency, personally accompanies the youth, a record of the referral should be made.

An acknowledgment of the receipt of the referral and, if so, a notation to the referring source that contact had been made with the individual referred is also recommended.

As soon as the determination can be made, the referring agency or individual should be notified if the youth was accepted for continuing service under YSB sponsorship or if not, the reasons why. Where the youth does not fall within the target group or is otherwise ineligible under intake limitations and a second referral is made by the YSB to another community service agency, the original referral source should be so notified.

In cases where the youth is initially accepted for service and, in spite of the YSB efforts, the service plan or agreement is terminated prematurely by the youth's withdrawal before effective implementation, the referral source should also be notified.

The above requirements are believed necessary in order to prevent a youth from "falling between the cracks" in the service network by putting the referral source on notice that another plan may be necessary.

In addition to reporting on acceptance or premature withdrawal, some advocate that there should also be periodic progress reports to the referral source. They justify this action on the basis that it makes for good public relations. However, the release of what may be personal information of a confidential nature can hardly be justified on this basis and is *not* recommended. This recommendation would not preclude the furnishing to *all* referring sources, as well as to the general public, annual reports, including statistical analyses and program information as well as evaluation studies, in such form as will not identify any particular youth. Such information as well as other publicity of a general nature should be ample for public relations. However, in a number of situations, particularly where the referral source is the parent, the school, or another community agency, the question of reporting progress would not arise since, more often than not, the parent or the agency would be involved in the treatment plan.

In the situation where a youth accepted for continuing service is referred to another agency for service or care, somewhat more formality in the referral policies and procedures may be necessary for fiscal as well as other reasons. In such case, the YSB should carry the youth as an active case. Periodic progress reports should be made to the YSB by the service agency and a close working relationship between YSB staff and the agency should be maintained in each case.

Referrals from Juvenile Justice Agencies

Referrals from such juvenile justice agencies as courts, probation departments, and other correctional agencies, present certain unique problems which must be considered.

Since the goal of the YSB is the prevention of delinquency by diversion from the juvenile justice system through alternative services and care, it follows that a YSB *cannot* become an arm of the juvenile justice system substantively or by implication. To do so would defeat its basic purpose.

It must, however, develop working agreements with such agencies since its purpose is, in a large sense, to serve them indirectly by providing an alternative program for youth coming to their attention. In developing working relationships, however, the YSB must clearly maintain its own distinct identity.

There is general agreement that service and care offered by a YSB should

be provided on a consensual basis, preferably in writing. This rules out imposing acceptance on the YSB through court order or commitment. To permit such would result in the YSB becoming merely another correctional agency in the correctional system.

This limitation does not rule out assistance to adjudicated delinquents. For example, a probation or parole officer may refer a youth under his supervision to the YSB for a specific service. If otherwise eligible, the youth should be accepted and the case handled in the same manner as those referred from non-authoritative agencies. Although there is a legally established relationship existing between the probation officer and his probationer, this does not extend to the relationship between the YSB and the referred probationer. This latter relationship is still consensual in nature and the YSB owes no greater duty to the probation officer than it does to any other referral source.

Probably the greatest number of referrals from juvenile justice agencies will come directly from the police without formal action taken or from the intake unit serving the court where official action by the court through petition is not deemed necessary. In such cases the referrals should be made free from coercion, without any strings attached, and the same procedures should apply here as to referrals by any other community agency.

These procedures should be carefully explained to the youth referred *in every case*. Where the YSB has reasonable grounds to believe, in a referral from a juvenile justice agency, that coercion was used, the case should not be accepted until it has been clarified that this is not so and the youth is accepting the service on his own free volition.

LEGAL PROBLEMS

In planning the establishment of a YSB, it is essential that consideration be given to the adoption of all possible safeguards with respect to the many legal problems which may possibly arise. Such issues include consent to service and care, confidentiality of records and communications, and special problems relating to the provision of medical, psychiatric, and residential foster care, the liability of employees, volunteers, and suppliers of materials and services.

All too often these legal problems are overlooked in the process of establishing a YSB, the consequences of which could adversely affect its potential for success. Because some YSB services are breaking new ground, specific legal precedents for the resolution of some of these problems may be lacking. With respect to others, safeguards can be taken to avoid their harmful effects through the establishment of proper procedures before the initiation of operations.

Definitive answers to many of the legal problems which may arise cannot be given here since their resolution is dependent upon the law, applicable to the jurisdiction where the Bureau is located, which may vary from state to state. The purpose of this section, therefore, is to point out the legal issues which *may* arise so that they may be resolved *before* actual operations are begun.

Legal Liability of Officers and Members of the Organizing Group

It is often overlooked that where a YSB is established as an unincorporated private entity—whether entirely private or mixed public-private—each individual member of the organizing group may, in many instances, be legally liable for the acts of the Bureau.

Thus, for example, where a private, unincorporated YSB does not make payment for merchandise ordered and received, the vendor is generally legally entitled to enforce payment for such merchandise against any member or members of the organizing or governing group. A similar situation would usually prevail with respect to claims for damages for injuries caused by the negligence of an employee of the Bureau.

One possible method which might be adopted as a safeguard would be the incorporation of the Bureau under the laws of the State in which it will be operating. A legal entity, separate and apart from and independent of

the organizing members or board of the Bureau, would thus be created which would protect the individual members of the Bureau if all legal requirements governing the operation of the corporation were fulfilled.

Individual members of the organizing or governing group of the Bureau could also generally be protected against suits for damages arising from the negligence of the Bureau's employees (but not for the nonpayment for merchandise) by the purchase of liability insurance (which even an incorporated Bureau might wish to purchase, but for different reasons).

These same considerations with respect to the potential liability of the members of an unincorporated vs. an incorporated Bureau for injuries resulting from negligence would also generally apply whether the person injured were a youth receiving services, a parent of such youth, another employee, or a volunteer worker at the Bureau.

Usually these problems are not involved where the Bureau is a public agency except in certain circumstances involving the exceeding of authority or the existence of legislation authorizing legal actions against a public body in certain cases.

Authority to Provide Service

It should be noted that, unless otherwise provided by law, the parent or legal guardian of an unemancipated youth has the legal right to the custody of such youth, which also includes the right to make decisions in relation to the youth's care and treatment. The scope of this right however, with respect to certain types of care and treatment, has been narrowed considerably by State laws which now permit various types of care and treatment without parental consent. For example, about 44 States permit treatment of venereal disease without parental consent.[10] Other types include treatment for pregnancy including abortion, and for drug addiction. Nevertheless, in the course of providing services to youths, a YSB may still encounter certain legal restrictions limiting the type and recipients of such services.

Runaways

Some of the most vexing problems encountered are involved in helping intrastate or interstate runaway youth.

At present, under State law, a runaway youth can be adjudicated a delinquent child or a person in need of supervision. Consequently, a person who "harbors" and provides shelter for such a youth, without the consent of the parents or legal guardian of such child, in many States, runs the danger of

[10] Pilpel, Harriet E. and Zuckerman, Ruth J. "Abortion and the Rights of Minors" Case Western Reserve Law Review, Vol. 23, No. 4 Summer 1972.

being charged with the criminal offense of contributing to the delinquency of such youth. Generally the statutes define a runaway youth as a "youth who deserts his home," is a "runaway," or "truant from home," without specifically stating, although implying, that the youth's actions were without the consent of his parents or guardian. Some statutes do specify in the definition that the youth's absence was "without just cause" or was "without the consent of his parents, guardian or other custodian."

Therefore, if a YSB, under public or private auspices, as a matter of policy desires to provide services or care to runaway youths, whether intrastate or interstate, it might be subject to certain legal actions unless it has a specific authority to do so, either by legislation, court order, or parental consent.

Some agencies providing shelter care to runaways seem to be totally unaware of the legal pitfalls of providing such care without legal authority and acting in concert with the youth in keeping the youth's whereabouts from the youth's parents or other authorities.

Others seek to give legal "sanctity" to their activities in this regard by having present at the Bureau some representative of the juvenile justice system, a probation or police officer, on a supposedly "unofficial" basis. The legal validity or practical effectiveness of this is highly questionable. Can a police officer or, in certain circumstances, a probation officer, in the absence of a court order or legislative authority, legally ignore the fact that continued care is being given a runaway youth, without seeking to secure the consent of parents, or by actively concealing the youth's whereabouts, on the justification that such officer is at the premises of the YSB and observing such actions in an "unofficial" capacity? Legally such a course of action is highly questionable.

Under the method of procedure contained in the recently issued Youth Development and Delinquency Prevention Administration publication entitled "Legislative Guide for Drafting State-Local Programs on Juvenile Delinquency" (DHEW Publication No. (SRS) 72–26004) these legal difficulties could be avoided by a statute which would permit a State agency to authorize, under appropriate safeguards, a local public or private agency to provide emergency maintenance for a limited period of time, as prescribed by the State agency, without notifying the parents or guardian. (For statutory language recommended see Appendix D.)

Medical and Psychiatric Care

Question will arise as to the legality of a YSB providing youths served with medical and psychiatric care without first obtaining the consent of the parents or guardians. The same may also apply to psychological treatment.

Such question is most often likely to arise with respect to self-referred youths, including runaway youth, rather than to youths referred by other

agencies or parents. In the latter instances, where the condition for which medical or psychiatric care is sought is reasonably related to the reason for the referral, there would be no reason why specific parental consent to the provision of the care could not be obtained as part of the agreed upon service plan.

However, self-referred youths may be most reluctant to seek parental consent. The reasons behind the request often involve drug addiction, girls who want abortions or to be supplied with birth control devices, or youths who need treatment for venereal disease—problems which they wish to keep from their parents.

Without an emergency situation or specific consent by the parents or guardians of such youths, the physician or psychiatrist would generally not be permitted to provide such care unless authorized by law. Yet the imposition of a requirement that parental consent be secured in all such instances would frequently result in youths refusing to seek the needed care or to seek it illegally, from unlicensed practitioners.

In a number of States legislation has been enacted authorizing medical or psychiatric services in situations such as those described above upon the consent of the youth, if the youth is above a certain age, holding the physician or psychiatrist harmless for the provision of such services without the consent of the parent or guardian of the youth, holding the parent or guardian without obligation to pay for the costs of such services, and protecting the confidentiality of the information secured.

With respect to the treatment of veneral disease, some of the statutes enacted do not seem to have resolved the conflict with the requirement, in many of the statutes, for notifying the appropriate public health authorities of the disease with the requirement for maintaining the confidentiality of the records.

Confidentiality of Records and Communications

The policies governing the operation of a YSB should explicitly require that complete written records should be kept on all actions taken and all information received regarding all youths referred to or applying to the Bureau for services.

The policies should also make it clear that all records maintained by the Bureau should be considered confidential and are to be used only for the provision of services, and, if divulged to another agency or individual, shall be divulged (1) only for the same purposes and upon the agreement of such individual or agency to safeguard the confidentiality of such information, or (2) otherwise, upon the express consent of the youth or his parent or guardian.

In broad outline, the above represents a general statement regarding

what should be the obligation of the Bureau to keep and maintain adequate records and to safeguard their confidentiality.

The implementation of such policy, however, presents many intricate legal questions differing somewhat depending on whether the YSB is administered under public or private auspices.

(*a*) *Under Private or Quasi-Private Auspices*

It should be recognized that the power of a YSB operated under private or quasi-private auspices, as the latter term is used in these materials, is quite limited from the legal standpoint.

Obviously, with respect to its own employees, such a Bureau has sufficient authority to enforce its policy that complete records be maintained and (except as noted below) divulged only under certain conditions. The Bureau can enforce such a policy requirement with appropriate disciplinary action against any offending employee.

Where information is given to an agency and is improperly disclosed by that agency, the Bureau has certain enforcement alternatives. It can cancel such agreement or contract or, under certain limited circumstances, it can by court action seek to enjoin future breaches.

However, without statutory backing, policies with respect to the confidentiality of its records issued by a private agency cannot be used as a basis to refuse to produce such records pursuant to a subpoena issued by a court. Neither can it be used by an employee of the Bureau, who has been subpoenaed, as a basis for refusing to answer questions as to the contents of such records or even with respect to unrecorded conversations with youths.

Such a "loophole" in a privately operated Bureau's policies governing the confidentiality of information acquired by it could, in many instances, have serious repercussions with respect to its ability to maintain complete records or to obtain from youths all material facts necessary.

In the interests of establishing the necessary relationship of mutual trust and confidence, a staff member of a YSB should explain to a youth seeking or referred for assistance its operational policies. Part of that explanation should include the statement that whatever information was imparted to or received by the worker with respect to such youth would remain confidential and divulged only to assist the youth. In all fairness, however, the worker should explain that such records and any information imparted to the worker, even by the youth, could not, under certain circumstances, be absolutely protected against disclosure.

This caveat may have an inhibiting effect upon the willingness of a youth to disclose all relevant factors affecting the problem he faces, particularly in cases involving drug addiction or the commission of delinquent acts.

As a result, there may well be a tendency on the part of the Bureau staff to maintain less than complete records with respect to a particular youth because of the fear that whatever written records were kept could be sub-

poenaed, or that the worker would be required to testify under subpoena. Such deficiencies in record keeping and in eliciting of all the relevant facts could adversely affect the nature and continuity of treatment within the Bureau itself (as when a change in workers occurs or where the youth is referred to another agency).

(*b*) *Under Public Auspices*

With respect to the policies governing the confidentiality of records and the assertion of a testimonial privilege, the same considerations, with some slight variations, apply to a publicly operated YSB. A public agency, however, may already have sufficient statutory authority to promulgate legally effective regulations. The existence of such over-all authority is much more likely with respect to protecting the confidentiality of Bureau records than it is for according a testimonial privilege to Bureau employees.

EVALUATION

Initial planning should include provision for periodic evaluation of the Bureau's activities, including the establishment of base line data and the maintenance of pertinent records.

The merits of the recommendation of the President's Commission for the establishment of YSBs can only be determined if methods are devised to evaluate the results achieved.

In order to measure the extent to which diversion from the juvenile court has been realized in the areas served by the YSB, monthly baseline data should be collected for a minimum of one year prior to the implementation of the bureau on the number of youth arrested [11] by the police and on the number of police referrals to the juvenile court. Procedures should also be established for the provision of accurate data on police arrests and court referrals on a monthly basis once the bureau becomes operational. This will enable a measurement to be made of diversion from the juvenile court in terms of the rate of juvenile delinquency, both monthly and over a period of time. One indicator of the extent to which the existence of the Bureau has contributed to a reduction in the referral of youth to the juvenile court, moreover, can be based on statistics of the sources of referral to the Bureau itself and the utilization of the Bureau as a resource by the police.

A YSB should also be subject to periodic qualitative evaluations of its operations. To enable such a review to be made in a meaningful manner, it is essential that the Bureau maintain complete data on each youth.

In many instances a report on services needed by youths which could not be provided because of lack of available resources could be a most effective way of convincing other agencies or the community of the need for establishing such services. Without such factual justification it may be difficult to convince the community that gaps exist in available services which are essential to divert youths from the juvenile justice system.

It is difficult to see how a qualitative evaluation of the work of a Bureau could, with any great degree of credibility, be performed by the staff of the Bureau, except where made for internal purposes. For the highest degree of effectiveness a qualitative analysis should be performed by experts not con-

[11] Many youth coming to the attention of police, particularly those involved in "status offenses," (those who commit offenses applicable to children only), are often referred to community agencies or to the court without being formally taken into custody for "booking." For a true measurement, every effort should be made to also include this group. In most large communities where adequate records are maintained, this information should be available from the juvenile control section.

nected with the Bureau. The evaluative report of such an outside group should prove more useful as an administrative tool and will be much more credible with other agencies and the community than a self-evaluation.

Evaluations of Bureau operations should also include evaluations of the quality of the services provided by cooperating agencies. Such evaluations could be made by the staff of the Bureau or, as part of the agreement with the cooperating agency, by an outside agency.

APPENDIX A

Excerpt from "The Challenge of Crime in a Free Society" Report by the President's Commission on Law Enforcement and Administration of Justice, p. 83.

(b) Community Agencies. There should be expanded use of community agencies for dealing with delinquents nonjudicially and close to where they live. Use of community agencies has several advantages. It avoids the stigma of being processed by an official agency regarded by the public as an arm of crime control. It substitutes for official agencies organizations better suited for redirecting conduct. The use of locally sponsored or operated organizations heightens the community's awareness of the need for recreational, employment, tutoring, and other youth development services. Involvement of local residents brings greater appreciation of the complexity of delinquents' problems, thereby engendering the sense of public responsibility that financial support of programs requires.

Referrals by police, school officials, and others to such local community agencies should be on a voluntary basis. To protect against abuse, the agency's option of court referral should terminate when the juvenile or his family and the community agency agree upon an appropriate disposition. If a departure from the agreed-upon course of conduct should thereafter occur, it should be the community agency that exercises the authority to refer to court. It is also essential that the dispositions available to such local organizations be restricted. The purpose of using community institutions in this way is to help, not to coerce, and accordingly it is inappropriate to confer on them a power to order treatment or alter custody or impose sanctions for deviation from the helping program.

Those recommendations could be put into effect in the near future, with existing organizations. Long-term recommendations for enhanced use of community service agencies, however, would require the creation of new social institutions. An essential objective in a community's delinquency control and prevention plan should therefore be the establishment of a neighborhood youth-serving agency, a Youth Services Bureau, with a broad range of services and certain mandatory functions. Such an agency ideally would be located in a comprehensive community center and would serve both delinquent and nondelinquent youths. While some referrals to the Youth Services Bureau would normally originate with parents, schools, and other sources, the bulk of the referrals could be expected to come from the police and the juvenile court intake staff, and police and court referrals should have special status in that the Youth Services Bureau would be required to accept them all. If, after study, certain youths are deemed un-

likely to benefit from its services, the Bureau should be obliged to transmit notice of the decision and supporting reasons to the referral source. A mandate for service seems necessary to insure energetic efforts to control and redirect acting-out youth and to minimize the substantial risk that this population, denied service by traditional agencies, will inevitably be shunted to a law enforcement agency.

A primary function of the Youth Services Bureau thus would be individually tailored work with troublemaking youths. The work might include group and individual counseling, placement in foster homes, work and recreational programs, employment counseling, and special education (remedial, vocational). It would be under the Bureau's direct control either through purchase or by voluntary agreement with other community organizations. The most significant feature of the Bureau's function would be its mandatory responsibility to develop and monitor a plan of service for a group now handled, for the most part, either inappropriately or not at all except in time of crisis.

It is essential that acceptance of the Youth Services Bureau's services be voluntary; otherwise the dangers and disadvantages of coercive power would merely be transferred from the juvenile court to it. Nonetheless, it may be necessary to vest the Youth Services Bureau with authority to refer to the court within a brief time—not more than 60 and preferably not more than 30 days—those with whom it cannot deal effectively. In accordance with its basically voluntary character, the Youth Services Bureau should be required to comply with the parent's request that a case be referred to juvenile court.

In many communities there may already exist the ingredients of a Youth Services Bureau in the form of community or neighborhood centers and programs for juveniles. All communities should explore the availability of Federal funds both for establishing the coordinating mechanisms basic to the Youth Services Bureau's operation and for instituting the programs that the community needs.

The Commission recommends:

Communities should establish neighborhood youth-serving agencies—Youth Services Bureaus—located if possible in comprehensive neighborhood community centers and receiving juveniles (delinquent and nondelinquent) referred by the police, the juvenile court, parents, schools, and other sources.

APPENDIX B

Excerpts from "Juvenile Delinquency and Youth Crime," Task Force Report to the President's Commission on Law Enforcement and Administration of Justice—1967, pps. 396-399.

ALTERNATIVES TO JUDICIAL HANDLING[75]

The line between the prevention of delinquency and its correction is not always discernible. This is as it should be, for the goal of prevention is embodied in all corrective measures pertaining to juveniles. Standing on that critical line between prevention and correction is our juvenile justice system. While this system, and alternatives to it, are discussed more completely elsewhere in the Commission report, the development of planned alternatives to judicial handling deserves to be seen as an important preventive device in its own right.

As we have mentioned, the deleterious effect of labeling youth as delinquents is the most obvious argument for limiting the number of youth thrust within the jurisdiction of our courts. Other experience at the points where police and court officials determine the disposition of young offenders, supports the argument for the avoidance of stigmatization as a delinquency preventive measure.

Inadequacy of Current Nonjudicial Procedures

Many of the current procedures for nonjudicial handling of putative delinquents from prearrest to intake in the court system are inadequate and defective. Few formal guidelines are available to those who are responsible for exercising discretion in determining which youngsters should be sent deeper into the judicial process. Where those guidelines do exist, their relevance and justice is open to question. Frequently, those who make such decisions, by dint of inadequate experience or training, lack the capacity and the resources to make those decisions wisely. Hampered by the unavailability of resources which can serve as alternatives to court referrals, youngsters are sent to court when they need not be, or referred to resources lacking the capacity to offer the necessary help. Sometimes, extralegal sanctions are im-

[75] We are indebted to William Sheridan, Ass't Director, Division of Juvenile Delinquency Services, Children's Bureau; Margaret Rosenheim and Richardson White, Jr., of the President's Commission on Law Enforcement and the Administration of Justice, for many of the ideas presented here.

posed which deprive due process. And without a system for the periodic review and correction of criteria and decisionmaking practices in this area, such practices are infrequently refined and frequently arbitrary.

The Unfulfilled Promise of Juvenile Court

Added to this are the defects in the juvenile court system as a whole. Few would argue that the court has fulfilled its promise, whether they believe that the current system needs more effective implementation, or that basic changes are required.

Some suggest that the unfulfilled promise of the court is related to factors outside its control and the inadequacy of resources necessary to implement its concept effectively, such as the limited capacity of the court to effect necessary changes in conditions external to the individual, or the failure to provide the court with needed resources, e.g., trained probation officers, hearing officers and lawyers, diagnostic clinics, shelters, and treatment facilities.

Others, while admitting to the inadequate resources, suggest that the limited success has been due to problems within the system and the law which guides it. Cited here are: (a) assumptions that the problem lies within the individual, with insufficient allowance made for his social conditions, and (b) that attempts to mete out justice on an individualized basis frequently lead to decisions with at least the appearance of consistency. Beyond this are discretionary matters, such as the use of records and hearsay as evidence, the lack of use of counsel, confusion of jurisdictional and dispositional issues, the overuse of detention facilities, and the continued reliance upon referral to correctional institutions with a proven inability to correct.

The generality of jurisdiction of the juvenile court—based on its desire to help children in trouble and its belief in its ability to do so, rooted in its partnership with the social and behavioral sciences, and reinforced by the increasing specialization of the helping disciplines which serve it—brings countless young people into the system who might be better served elsewhere.

To some extent, these problems have reinforced the alienation of young people and their lack of confidence in the justice of the system.

Growing Up [illegible]

One further [illegible]care in the use of court intervention is related to the growing dou[illegible]g experts about the connection between juvenile delinquency and adult criminality. Many individuals who engage in delinquent activities do not continue into delinquent or criminal careers. The normal and gradual process of maturation appears to be a major curative factor, even in serious cases of delinquency. Given time and some tolerance,

many youngsters will simply abandon their participation in delinquent activities as they grow up, join the Army, get married, or obtain a job.

The positive effects of any intervention, especially official intervention, are usually accompanied, and to some extent vitiated, by potential negative consequences. Keeping this fact in mind, we should use every means to avoid exacerbating situations by unnecessary intervention, and allow every opportunity for normal growth processes to take the "kicks" out of antisocial behavior and reveal its uselessness.

Current Use of Nonjudicial Procedures

A search for improved means of nonjudicial handling should not suggest that a large number of reputed delinquents are not currently handled outside the judicial process, for, in fact, they are. Such handling is based on a variety of reasons—the backlog in the juvenile courts, the desire to reduce costs, the disenchantment with the treatment and capabilities of the juvenile court system, the growth of specialized units within police departments, special efforts by the school system to cope with behavior problems, and our general national belief in the redemptive potential of young people. As a consequence, it should be clear that only a minority of putative delinquents are processed as adjudicated delinquents. About half of all police juvenile contacts are settled without court referral. The police account for the vast majority of all juveniles appearing in court. For the other major sources of court referral—schools and parents—such referrals are usually used as a last resort. And of all cases received at court, about 50 percent are eliminated through informal probation, referral to other agencies, and dismissal at intake.[76]

The issue at hand, then, is not the establishment of a totally new practice; it is to refine and improve our practices in this area, and to expand the number of youngsters who are handled outside the court and correction systems. This requires that we redefine the delinquency jurisdiction of the court, supplementing that new definition with improved referral procedures and alternative means of dealing with juveniles. The goal of all such efforts would be to keep the juvenile functioning in the family and community without recourse to the official sanctioning system for as long as feasible, consonant with the needs of community safety and his own welfare. Given the absence of evidence of the beneficial effects of official contact, as well as the potentially harmful consequences of such contact, the burden of proof must be on the side of those who believe that official intervention is clearly necessary for the safety of the community and welfare of the juvenile.

[76] William Sheridan, "Why in Corrections?" Paper prepared for the President's Commission on Law Enforcement and the Administration of Justice.

Recommendations

Recommendations to improve our system of planned nonjudicial handling for reputed delinquents fall into three categories: First is the further limitation of referrals into the juvenile court system and the ability of that system to accept such referrals. Second is the creation and the strengthening of alternative agencies and organizations to deal with putative delinquents. Third is the development of an improved capacity on the part of the police and juvenile court system to make appropriate dispositions and refer putative delinquents to alternative agencies and organizations.

Limiting Referral and Jurisdiction

A major distinction should be made between those youngsters who have committed acts which would be crimes if they were committed by adults, and those youngsters whose alleged offenses would not be criminal if committed by adults. Even in the first category, every effort should be made to keep youngsters out of the judicial and correctional systems if they have committed what might be termed minor offenses which do not result in serious danger to themselves or to the community. In the latter category, legislation, preceded by such administrative action as necessary to test feasibility, should be encouraged to limit police referral and court jurisdiction.

Within the latter group are: (*a*) youngsters who have violated specific ordinances or regulatory laws which are applicable only to children, such as curfew violation, truancy, profanity, illegal use of alcohol or tobacco; and (*b*) those who have broken no law but who are designated as "beyond control," "ungovernable," "incorrigible," "runway," or "minors in need of supervision" as in Illinois, or "persons in need of supervision" as in New York State.[77]

Generally the same dispositions are permitted for these youngsters as for those who may have indulged in criminal conduct. The number of children in these categories who appear before the courts is considerable. A conservative estimate, based upon national juvenile court statistics for 1964, indicates that these groups comprise about a quarter (approximately 185,000) of the total number of children's cases coming before the juvenile courts for conduct classified as delinquent. About one out of every five boys' delinquency cases, and over half of all girls' delinquency cases were within these categories. A summary review of the populations of nearly 20 correctional institutions for delinquent children indicates that between 25 and 30 percent of their populations is composed of children whose offenses would not be classified as criminal if they were adults. A review of State and local detention programs showed that of 1,300 who were detained in jail pending hearing, about 40 percent fell in this group, and of 8,200 who were held in detention homes, approximately 50 percent fell within the same group.[78]

[77] William Sheridan, op. cit.
[78] William Sheridan, op. cit.

Since there is no evidence that such behavior necessarily leads to real delinquency or criminality, or that court intervention and correctional treatment is effective in rehabilitation and prevention of further delinquency, it is recommended that the jurisdiction of the court in delinquency cases be limited to children who have broken laws which are applicable to all ages, that police be denied the authority to refer to court for detention, adjudication, and filing of a petition, any youth not suspected of criminal conduct.

We recognize that sometimes young people who have not committed delinquent acts may require the intervention of the court. In such instances as when a child may be neglected or in need of supervision, court action should be clearly differentiated from its action in delinquency cases. Although the fact that a youth needs supervision may eventually take on its own invidious characteristics, the record should make clear that the youngster has not broken the law. Since it also seems desirable that police activities in such instances be restricted and that youngsters have access to appropriate community services, it is recommended that police make referrals to a nonjudicial resource in the first instance, and that the authority to file petitions alleging nondelinquent behavior be limited to school officials, or representatives of public or private agencies providing services for children and families.

Further, the youth brought before the court on allegations other than delinquency should not be detained pending court proceedings, and the range of dispositions open to the court should be limited. The present Standard Family Court Act and the Standard Juvenile Court Act do limit the placement of neglected children and children who are incorrigible or beyond control.[79] It is recommended that this limitation be extended so that no youth whose acts would not be considered criminal if committed by an adult may be placed in an institution designed for delinquents. It is further recommended that when legal custody is vested in any agency or institution, such an agency should be prohibited from placing or transferring such youths to facilities designed for the care and treatment of delinquents.

Consideration also should be given to limiting delinquency proceedings in the juvenile court to children above the age of 10 or possibly 12. Children of younger age would, in no instance, be adjudicated as delinquent, nor placed in an institution designed to house delinquents.

In order to assure the limitation on referrals and court action, increased legal protection and other methods should be provided, such as the provision of counsel at all stages, the review of petitions to test their legal sufficiency, the requirement that juvenile hearing officers be members of the bar, and the tightening of procedural regularity, such as separate hearings on the issue of jurisdiction and disposition.

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[79] U.S. Department of Health, Education, and Welfare. Welfare Administration Children's Bureau 1965.

Alternatives to Judicial Handling

Obviously, the limitation on police action and the jurisdiction of the court is dependent upon a concomitant increase in the capacity of community institutions to deal effectively with young people in trouble. Many of our recommendations point in that direction, as well as toward broader delinquency prevention goals:

- ☐ In the increased effort to include young people in the decisionmaking processes and service operations of their community, a new set of standards is required. Such opportunities, for which achieving youngsters primarily have had priority in the past, should be increasingly available to "predelinquent" and delinquent youth as a way of tying them into the community system rather than locking them out.
- ☐ In addition to the general upgrading of educational efforts on the part of schools in areas of high delinquency, specific attention should be paid to developing the schools' capacity to deal more effectively with youngsters presenting academic failure and behavior problems. Particularly, the schools will need to become less dependent upon the courts for their handling of truancy cases and should develop new mechanisms for dealing with cases of truancy and other serious behavior (see school section).
- ☐ The mobilization of citizen groups should be encouraged so that (*a*) they may be more effective in their direct dealings with young people in their community and increase their capacity to provide incentives and sanctions, and (*b*) they may more competently deal with community agencies and institutions in order to make their services more appropriate.
- ☐ Existing youth-serving agencies should be encouraged to make their programs more relevant to the lives of young people by integrating them with educational, social service, and social action efforts, and they should be urged to include in these programs more youngsters whose behavior problems and predelinquent patterns are now frequent cause for exclusion.
- ☐ Funding policies should be established which offer incentives to educational and youth serving agencies on the basis of their increased capacity to provide opportunities for young people who now tend to be excluded.
- ☐ The neighborhood service centers should provide special services for potential delinquents or those who have had early contact with the law. Services should include not only diagnosis and clinical treatment, but legal assistance, educational and vocational help.
- ☐ The new youth services agencies mentioned earlier should be established, wherever possible, in conjunction with other community service centers. Easily accessible, they should have local governing boards with heavy youth representation on them.

These agencies should be required to accept all referrals from police and courts, but care should be taken to avoid the possibilities of stigmatization by making sure that these centers are not for delinquent or "predelinquent" youth alone. They should be centers available for all community youth with the provision that problem youth and youth referred by official agencies are not excluded. Young people in the youth service agencies should not be treated on the basis of their alleged offense; they should be treated as full-fledged members of the community who have a right to and a need for certain kinds of service. Youth service agencies should be empowered to refer cases to court within 60 days of initial contact when necessary.

- ☐ Advocacy should be increasingly recognized as a legitimate community function on behalf of youth. Each of the service agencies mentioned above should perceive its role, in part, as falling within this area. Opportunities exist within the multipurpose centers, the youth service agencies, and the schools, for increased advocacy on behalf of youth whose behavior or social situation makes them suspect and denies them full access to community services and opportunities. Experimentation with the Ombudsman concept should be encouraged in the community centers and in the schools. Greater use of attorneys and legal service aides is warranted as advocates of improved community service for youth from social agencies and schools.

While new funds will be required to assure the availability of many of the alternative resources suggested above, much can be accomplished with a modification of attitudes and existing programs currently operative in the community.

APPENDIX C

CONFERENCE ON YOUTH SERVICE BUREAUS
Breckenridge, Colorado
September 1971

FOREWORD

In the interests of conserving the time and efforts of all Conference participants, it seems advisable to set forth at the outset the two basic assumptions underlying all Conference discussions.

Assumption #1: Although it may appear at first blush merely to be restating a truism, it is obvious that *a Youth Service Bureau*—as its title so clearly indicates—is an administrative unit which, as a bare minimum, and regardless of any other functions performed, *provides services to youth.*

An administrative unit—whether public, private or mixed public-private—which has as its *sole* function that of coordinating the services available to the youth of a community or that of mobilizing public opinion in support of efforts to fill gaps in existing community services to youth or that of bringing about changes in service delivery systems is all too obviously *not* a "service" agency.

To denominate as a "Youth Service Bureau" an administrative unit which provides *no* services whatsoever is not only to misuse terms but also to dissipate and confuse community efforts, objectives and resources.

This minimum definition of the term "Youth Service Bureau," for use during the course of the discussions at this Conference, does not, of course, preclude the fullest, frankest and freest exploration of the major issues involved in achieving the most effective Youth Service Bureau.

Assumption #2: During this Conference it will be assumed that the *objectives* of a Youth Service Bureau *are* the *prevention of juvenile delinquency* and the *diversion of children and youth from the juvenile justice system.*

However, this assumption leaves for Conference discussion the many vital questions as to the scope of the activities of such Bureau in relation to the attainment of these objectives.

Unless there is such a clarification of the scope of activities so as to focus community efforts on highly pertinent and attainable goals, it will soon be

found that such efforts are being scattered and expended on a wide variety of functions having only a remote—or, at best, an indirect—bearing upon the prevention of juvenile delinquency and the diversion of children and youth from the juvenile justice system.

In other words, the Youth Service Bureau must have a clearly defined group of youths eligible for its services because of the imminence of their becoming delinquent whether that eligibility is measured by the source of their referral, i.e., schools, police, parents, or the evaluation of the needs of each youth on self referral, or a combination of both.

It is not a question of what activities of a Youth Service Bureau might, with the greatest stretch of the imagination, be conceived of as in some way having a bearing upon the attainment of these objectives. Under a concept as broad as that, it could well be argued that any action designed to better the conditions of children and youth prevents juvenile delinquency and diverts them from the juvenile justice system.

Rather the question is what activities to be carried out by a Youth Service Bureau will have *direct* and *significant* bearing on the early achievement of these objectives.

In the context of these assumptions, there have been listed below suggestions as to some of the major topics to be discussed at this Conference. This list is not intended as an exhaustive enumeration of all of the problems which might be encountered in the establishment and operation of a Youth Service Bureau. It is anticipated that more subjects will be brought up for discussion during these meetings.

It is hoped that, with respect to each topic, the discussions will be directed to exploring every degree of the desirable and the undesirable.

The order of presentation of the topics is intended to anticipate the normal progression of any discussion of the Conference subject matter. Nevertheless, it is anticipated that, as the Conference progresses, it will not always be easy to contain the discussion within the bounds of any one narrow topic and therefore strict adherence to topical agenda may not always be possible. That may be just as well. The objective of the Conference is, after all, not to attain a slavish adherence to a particular order of discussion but rather to ensure that all major topics are fully discussed.

A final word.

The ultimate objective of this Conference is *not* to arrive at any consensus among the conferees. Rather they have all been assembled in an effort to secure the best possible advice from knowledgeable individuals from the many disciplines and programs involved as to the major problems which may be encountered in establishing and operating a Youth Service Bureau and how those problems can best be resolved. Therefore, in view of this objective and the need to cover all of the major topics, the chairmen have been asked to move the discussion to the next topic, when in their judgment the group has had ample opportunity to review the topic under considera-

tion and when further discussion would not necessarily contribute any new, relevant points of view.

After the Conference, the Youth Development and Delinquency Prevention Administration will prepare and issue a guide containing recommendations and suggestions as to the most effective methods to be employed in establishing and operating Youth Service Bureaus under the varying conditions which may prevail throughout the country. The group discussions will be taped and the preparation of that guide, the thoughts and opinions expressed during this Conference will be given thorough consideration, as will other suggestions which have been or will be made by a variety of sources. However, the YDDPA will assume full responsibility for all suggestions made in that guide and there will be no attribution of views, without express consent, to any conferee at this Conference.

I. Youth Service Bureau Intake:

(a) Is it desirable, undesirable, or essential that a Youth Service Bureau's intake policies be unlimited?

(b) If undesirable, what types of restrictions may be imposed on intake? May not be imposed? Involved would be such limitations as residence—age—economic status—marital status—limited funding—source of referral.

(c) Does the source of referral present any problems?

1. self
2. schools
3. parents
4. courts—
    a. by order or petition and with or without condition
    b. by intake without petition and with or without condition
5. police, with or without condition

(d) Once a Youth Service Bureau has established its policy and regulations concerning intake, should it be permitted to refuse to accept referrals falling within its stated policy? If so, under what conditions?

II. Services to be Provided by the Youth Service Bureau

Within the assumed broad overall objectives of a Youth Service Bureau —the prevention of juvenile delinquency and the diversion of children and youth from the juvenile justice system—there may be functions which are essential to the attainment of these objectives.

There are others which are so remotely connected with the attainment of those objectives that undertaking them would seriously impede more fundamental functions of the Youth Service Bureau, would dissipate efforts and resources, damage the Youth Service Bureau's public image or impair its relationships with other community agencies. There may be still others which

are inappropriate for a Youth Service Bureau in the light of its overall objectives.

(a) Which of the following services are (1) essential, (2) optional, or (3) inappropriate to be furnished by a Youth Service Bureau? If desirable or essential, under what limitations, if any?
  (A) Information services?
  (B) Referral and follow-up services?
  (C) Counseling services?
  (D) Educational services?
    (i) Remedial education?
    (ii) Vocational?
    (iii) Other?
  (E) Health services?
    (i) Medical, surgical, hospital care?
    (ii) Psychiatric care?
    (iii) Maternity care?
    (iv) Drug addiction?
  (F) Maintenance: room, board, and/or funds?
    (i) Short-term emergency care
    (ii) Long-term foster care
  (G) Family counseling services?
  (H) Recreation?
  (I) Employment referral?
  (J) Employer of last resort?
  (K) Housing assistance?
  (L) Probation services?
  (M) Legal services?
  (N) Family planning?
  (O) Hotlines?
  (P) Other services?

(b) Is it desirable, undesirable, or essential that a Youth Service Bureau fill gaps in available community services as needed? If desirable or essential, what limitations, if any, should be placed on its authority to do so? Time limitation? Dollar limitations? Limit on type of services provided to those another agency is not authorized to provide or does not customarily provide or is not then offering to provide?

III. Special Legal Problems:

In the operation of a Youth Service Bureau, what special legal problems might be expected to arise—and how can they be overcome—with respect to:

(a) Self referrals, including runaways;
(b) Confidentiality of records;
(c) Confidentiality of unrecorded communications;
(d) Provision of medical services;

(e) Provision of temporary or long-term foster care;
(f) Liability of and to employees;
(g) Liability of suppliers of services.

IV. AUSPICES:

One of the basic questions is the auspices under which a Youth Service Bureau is to be established and administered. There are several possibilities, each raising its own special problems:

(a) A Youth Service Bureau as a Public Agency:

Under this possibility, the Youth Service Bureau would be established by a State or local governmental agency and operated entirely as a public agency under the supervision, direction, and control of such State or local governmental agency.

(1) Are there any characteristics inherent in the establishment and operation of a Youth Service Bureau by and as a public agency which would make it impossible to attain a Youth Service Bureau's objectives?

(2) If a Youth Service Bureau is established and operated by and as a public agency, are there any limitations on the type of State or local agency which should establish and operate it?

(A) A court?
(B) A police department?
(C) A school system?
(D) A welfare department?
(E) A health or mental health department?
(F) An agency administering the juvenile correctional program?
(G) A probation department?
(H) A vocational rehabilitation agency?
(I) An independent or new agency established for this purpose?

(b) A Youth Service Bureau as a Private Agency:

Under this possibility, the Youth Service Bureau would be established and operated by a group of private citizens having no connection, directly or indirectly, with either State or local government.

(1) Should the Youth Service Bureau be organized as a private, non-profit corporation or as an unincorporated association?

(2) Which of these types of organization provides the greater advantages in attaining the objectives of the Youth Service Bureau?

(3) What are the legal liabilities, restrictions, advantages or disadvantages of each of these types of organizations?

(4) Are there ways of overcoming such legal liabilities, restrictions, or disadvantages, if any?

(c) A Youth Service Bureau as a Mixed Public-Private Agency:

Under this possibility, the Youth Service Bureau could be:

(1) a private non-profit corporation or an unincorporated association of individuals having on their governing boards, by virtue of the specific provisions of the legal instruments governing their administration, public officials serving *ex officio*;

(2) a private non-profit corporation or an unincorporated association of individuals licensed by a State or local public agency and required to meet certain standards and comply with certain requirements.

Under either situation, the following questions would arise:

(A) Would the effectiveness of the first type of Youth Service Bureau be impaired by virtue of the kind of public agency represented *ex officio* on its governing board?

(B) If licensed or approved by a State or local agency (other than under a general statute applicable to the incorporation of all corporations), would it make any difference which agency licensed the Youth Service Bureau?

(C) If the Youth Service Bureau is subject to compliance with certain standards, would the permissible scope of the standards make an appreciable difference in the ability of the Youth Service Bureau to attain its objectives?

(D) To what extent would the auspices of either or both of these Youth Service Bureaus result in equating them with Youth Service Bureaus established and operated by public agencies?

(d) Use of Advisory Board or Committee:

(a) ***Where Youth Service Bureau is a Private or a Public Agency:***

(1) Is an Advisory Committee (A) desirable, (B) Undesirable, or (C) essential?

(2) If desirable or essential, what special characteristics should such an Advisory Committee have? Types of desirable or undesirable representation of Advisory Committee? Youth representation? Citizen representation? Representatives from other agencies? Public agencies? Private agencies?

(3) If an Advisory Committee is desirable or essential, what should be the role of such committee? Advisory only? Policy making? Policy approving? Policy advising?

V. Youth Service Bureau—Relationships With Other Community Agencies

(a) What should be the respective responsibilities of the Youth Service Bureau and another community agency serving a youth on a negotiated or purchase of care basis?

(b) Under what conditions should the Youth Service Bureau be permitted to terminate its care or service?

(c) If a Youth Service Bureau assumes an active role in the community as an advocate with respect to a particular individual or class of individuals or to bring about far-reaching system changes, what effect would the vigor with which the Youth Service Bureau carries out such role have upon the ability of the Bureau to perform its other functions?

VI. Staffing A Youth Service Bureau

(a) Is it (1) desirable, (2) undesirable, or (3) essential that staffs from other agencies be assigned to the Youth Service Bureau?

(b) If desirable or essential, would any special administrative problems arise as a result of such assignments? To what extent would such problems be minimized or increased dependent on the type of agency assigning such employees? How could any possible difficulties be overcome?

(c) What special problems can be expected to be encountered in the employment by a Youth Service Bureau of certain types of staff?

(1) Off-duty police and probation officers?

(2) Persons on probation?

(3) Persons with criminal records?

(4) "Outreach workers"?

Can these problems be overcome? How? What changes in legal provisions would be needed?

(d) Do Youth Service Bureau employees need special training and how and where can it be obtained? How is the content of such training to be developed? What special problems are likely to be encountered in on-the-job training of Youth Service Bureau workers?

(e) What are the special problems likely to be encountered with respect to "peer employees" who become or will become "over age in service"? How can those problems be overcome?

(f) Are there any special employment problems which are likely to be encountered with respect to Youth Service Bureau employees relating to salary levels? Hours of work? Auspices under which the Youth Service Bureau is established and operated?

(g) What legal problems are involved in the use of volunteers in a Youth Service Bureau? How are these problems affected by the auspices

under which the Youth Service Bureau is established and operated? What legislative or administrative steps are needed to forestall or overcome these problems?

(h) What would be the (1) desirable or (2) essential experience, training, and personality characteristics for personnel employed by Youth Service Bureaus? Director? Workers?

(i) What methods can be used to ensure that the Youth Service Bureau remains viable, timed to the changing needs of youth with the ability to change or adapt as necessary?

Limited staff tenure with rotation for all?
Rotation of Advisory Board?
Age limitation for staff?

VII. Financing Youth Service Bureaus

(a) How do the sources of Youth Service Bureau funds affect the efficacy of Youth Service Bureau functions?

(b) Are there any sources of funds or restrictions or conditions on the use of funds received which would be totally incompatible with the attainment of a Youth Service Bureau's objectives?

(c) Which is preferable—single-funding source or multi-funding sources?

(d) If at the time of the contemplated establishment of a Youth Service Bureau it is definitely known that (1) the funding of the Youth Service Bureau in the immediate future will be so inadequate that certain "essential services" could not be provided, thus resulting in "greatly curtailed services of eligibility," or (2) a portion of the funds would be available with certain "hampering conditions and restrictions," would it still be advisable to establish the Youth Service Bureau? Under these circumstances, what would be considered "essential services"? "greatly curtailed services or eligibility"? "hampering conditions and restrictions"?

VIII. Evaluations of Youth Service Bureau Activities

(a) Are evaluations of Youth Service Bureau activities (1) desirable, (2) undesirable, or (3) essential?

(b) If desirable or essential:

(1) How often should they take place?

(2) How can the making of such evaluations be assured?

(3) Are any special evaluative techniques necessary or desirable? Self-evaluations? Outside evaluations? Multi-disciplined evaluations? What disciplines?

(4) Should the results of evaluations be publicized? If so, how?

APPENDIX D

Excerpts from "Legislative Guide for Drafting State-Local Programs on Juvenile Delinquency."

SEC. 65. POWERS AND DUTIES OF (DEPARTMENT) WITH RESPECT TO RUNAWAYS

(A) The (Department) shall provide such services and pay for such costs with respect to runaway children from other states as may be required pursuant to the provisions of the Interstate Compact for Juveniles and as may be authorized under this section.

(B) With respect to any child who has run away from home, the (Department) shall provide for the establishment, directly or through grants to or contracts with public or private agencies and organizations, or a coordinated, inclusive system under which:

(1) Emergency maintenance is provided for such child, Provided, That, notwithstanding any other provision of law, such emergency maintenance may be provided, for a limited time, in accordance with regulations promulgated by the (Department), by the (Department) or by any public or private agency or organization authorized so to do by the (Department), without reporting the provision of such care or the status of such child to the appropriate law enforcement agencies or to the parent, guardian or custodian of such child;

(2) A study is made, within such time as may be prescribed by regulations promulgated by the (Department), of the home situation of such child, and:

(i) If, on the basis of such study, it is found that it is a suitable home and that the parent, guardian, or custodian maintaining such home is capable and willing to provide such child with necessary care and supervision, such child shall promptly be returned to such home, Provided, That, in accordance with the provisions of Section 66 of this (Act), there shall be offered to such parent, guardian, custodian and child such social services and other assistance as may be necessary; or

(ii) If, on the basis of such study, it is found that such home is not suitable and that there is no reasonable expectation that the parent, guardian, or custodian of such child is capable or willing to provide such child with necessary care and supervision, proceedings shall be undertaken in accordance with the provisions of Section 60 of this (Act).

COMMENTS ON SECTION 65

The recommendations contained in this section set forth a new approach to the problem of dealing with the growing problem of runaways outside the juvenile justice system.

At present, in most states, a runaway child can be adjudicated a delinquent child and one who harbors and provides shelter for such child runs the danger of being charged with and found guilty of contributing to the delinquency of such child. It should be noted that, unless it is otherwise provided by law, the parent or guardian of such child has the legal right to the legal custody of the child, irrespective of the reason which the child may advance for leaving home.

The problem is how shelter care can be provided, at least for a temporary period and outside the juvenile justice system, for a runaway child who requests such care without the knowledge or consent of the child's parent or guardian, without subjecting the person or agency to possible criminal prosecution for contributing to the delinquency of such child.

A further complication of the problem is the frequent reluctance of such runaway children to seek assistance from traditional public agencies either within or without the juvenile justice system and to turn, instead, for such help to private groups or agencies, especially those operated by their peers.

In the operations observed, these problems have not been satisfactorily resolved. Some seem to be totally unaware of the legal pitfalls attendant upon their operations. Others are aware of the legal dangers, but continue their operations, admittedly with trepidation. Still others seek to give legal sanctity to their operations by having present some official representative of the juvenile justice system—a police or probation officer—on a supposedly "unofficial" basis.

The latter solution raises as many problems as it seeks to solve. Serious question can be raised as to whether a police officer or, under certain circumstances, a probation officer, can legally ignore the continued care being given a runaway, even though such officer is supposedly at the place of operations in an "unofficial" capacity. On the other hand, the mere presence of such officer cloaks the total operation with an aura of officialdom which inhibits the runaway from freely seeking assistance.

The suggestions made in this section seek to overcome these problems in a practical manner while adhering firmly to accepted legal principles.

Under the recommendations contained in this section, the (Department's) designated agency would be enabled to provide emergency shelter care for a limited period of time pursuant to authority vested in it by the (Department) under its regulations. So long as the agency adhered to such regulations in its activities with respect to runaways, it would not be subject to prosecution for contributing to the delinquency of a minor.

However, this section also recognized the fact that the mere provision of emergency shelter care is not a means of resolving the long term needs of

the child. It therefore places certain duties upon the (Department) with respect to seeking to meet those needs outside of the juvenile justice system either through an agreement with the child and the parent or guardian of such child relating to the provision of services on a voluntary basis or through seeking the appointment of a guardian of the person of such child.

SEC. 60: GUARDIANSHIP OF THE PERSON OF A CHILD—DUTIES OF (DEPARTMENT)

If at any time while the legal custody of a child is vested in the (Department) and prior to the final discharge of such child from such legal custody or while a child is under the supervision of the (Department) pursuant to the provisions of the (Family and Juvenile Court Act) or while a child is being provided services pursuant to the provisions of Section 65 of this (Act), the (Department) learns that such child for any reason does not have:

(A) A natural or adoptive parent in a position to exercise effective guardianship of such child; or,

(B) A legally appointed guardian of his person, if shall be the duty of the (Department) thereupon to file a petition in the appropriate court for the appointment of a guardian of the person of such child, provided that no employee of the (Department) shall accept appointment as the guardian of the person of such child.

Comments on Section 60

Each child whose legal custody is vested in the (Department) should have a private individual—whether a natural or adoptive parent or a legally appointed guardian of his person—able to exercise effective guardianship. Such an individual would be expected to safeguard his rights, to have an interest in his well-being, and to serve him as a continued link with the community on a personal, individualized basis, ordinarily extending beyond the time that the legal custody of such child would be vested in the (Department).

To appreciate the full significance of this recommendation as a safeguard for the rights of the child, while at the same time permitting the effective operation of the (Department's) program, this recommendation should be read, for example, in conjunction with the recommendations set forth in section 44, 46, and 47 of these materials.

The (Department) should be free to petition the court for the appointment of a guardian of the person of a child, with respect to whom it has certain responsibilities, even though such child has a parent living, when there are reasonable grounds to believe that the latter is not in a position to exercise guardianship functions effectively.

In that connection it is important to distinguish between the appointment of a guardian of the person of a child and termination of parental rights.

It is recommended that no officer or employee of the (Department) become the guardian of the person of a child whose legal custody is vested in the (Department) or over whom the (Department) exercises supervision in order to avoid conflicts between the official duties imposed upon such officer or employee of the (Department) and the loyalties involved in serving as the guardian of the person of such child.

The provisions of this section would not apply in the case of a child accepted by the (Department) under an agreement with the Federal Government (see section 10 of these materials), since legal custody in that situation would not be vested in the (Department) but would remain in the appropriate Federal agency.

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